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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,570	03/12/2004	John Medlin Snow	0272.INNO.CI1.CI	6467

27472 7590 11/14/2007  
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EXAMINER
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DAWSON, GLENN K

ART UNIT	PAPER NUMBER
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3731

MAIL DATE	DELIVERY MODE
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11/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/799,570

Applicant(s)

SNOW ET AL.

Examiner

Glenn K. Dawson

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-19, 24-37 and 39-45 is/are rejected.
- 7) ☒ Claim(s) 36, 47 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-2-04; 4-28-05</u> | 6) <input type="checkbox"/> Other: _____  |

### ***Claim Objections***

Claims 36,47 and 48 are objected to because of the following informalities: In claim 36, there is no antecedent basis for "the at least one seal". Claim 24 does not include a seal. Claims 47 and 48 depend on themselves.

. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5-14,16-19,24-28,32-34,39-43 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Palson, et al.-5119806.

Palson discloses a device for dispensing medicament from a canister including a housing 14 configured to selectively receive a slidable carriage 34 for loading a canister A into the housing. A closure panel 10 with a release button 20,22 allows for opening up the housing and slidably receiving the carriage and canister, and then it closes back up to hold the canister and carriage into position for actuation by an actuator which includes a sear 64. A locking latch 70 prevents actuation of the device, as does cap 80, which must be moved to allow actuation. The latch is attached to an air vane 79 which allows actuation upon inhalation by the user. Lever 36 acts upon the carriage and forces the carriage and the canister towards the valve stem thus actuating the device to dispense medication.

Claims 1-5,6-14,16-20,24-37 and 39-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Christrup, et al.-6415784.

Christrup discloses a device for dispensing medicament from a canister including a housing 3 configured to selectively receive a slidable carriage 30,33,32,78 for loading a canister 5 into the housing. Fig. 4 shows the carriage slidably removed from the housing when in an open position and is closed up in the housing for actuation. An actuation mechanism 6 is triggered by a trigger in the housing upon inhalation by the user. This is sensed by an air vane 52. Lateral movement of buttons 34a,b cause attendant movement of the carriage and canister towards the nozzle block to effect actuation and dispensing of the medicament. The trigger locks the air vane from pivoting to effect actuation. The carriage has teeth 72 which interact with a gear. A trigger vane 55 also allows the actuation to be blocked until breathing is sensed by the air vane. A closure element 16 is the claimed seal.

#### ***Allowable Subject Matter***

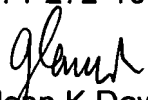
Claims 15,21-23,38 and 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn K. Dawson whose telephone number is 571-272-4694. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd E. Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Glenn K Dawson  
Primary Examiner  
Art Unit 3731

Gkd  
08 November 2007